

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA upon
the relation and for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

3 10 0405

v.

Civil Action No. _____
Judge Wiseman

TREE-REMOVAL RIGHTS WITH
RESPECT TO LAND IN ROBERTSON
COUNTY, TENNESSEE, and
ALMON L. JOHNSON
Defendants

ORDER APPOINTING COMMISSIONERS

For the reasons set forth in Administrative Order No. 75 of this Court entered on April 4, 1979, and entitled Order Establishing Commission Pursuant to Rule 71A(h) [71.1(h)] of the Federal Rules of Civil Procedure, the Court finds that the issue of just compensation for the taking of the property herein condemned should be determined by a commission of three persons appointed by the Court pursuant to said Rule. Accordingly, the Court appoints WILLIAM FARMER, Chairman, JACK DERRYBERRY, and DR. HORACE JOHNS to serve as commissioners. The commission shall have the power of a master provided in subdivision (c) of Rule 53 of the Federal Rules of Civil Procedure, and proceedings before it shall be governed by the provisions of paragraphs (1) and (2) of subdivision (d) of said Rule. Its actions and report shall be determined by a majority, and its findings and report shall have the effect and be dealt with by the Court in accordance with the practice prescribed in paragraph (2) of subdivision (e) of Rule 53. Trial of all issues shall otherwise be by the Court.

IT IS FURTHER ORDERED that any party in interest may within ten (10) days from the entry of this order, or within twenty (20) days after the filing of this action, file with the Clerk written objections to the appointment of such commissioners, stating the grounds of such objection.

The commissioners shall follow the charge adopted in and attached to Administrative Order No. 75 in the performance of their duties. Said commissioners, upon their appointment, shall read said charge, which is published in 61 F.R.D. 503 (E.D. Tenn. 1973), and shall comply with its terms and provisions. Any person or party in interest whose appearance has been entered pursuant to Rule 71.1(e) of the Federal Rules of Civil Procedure may object to the instructions and offer alternate or additional instructions within five (5) days after entry of their appearance in this cause.

Copies of this order shall be furnished by the Clerk to all parties and to their counsel whose appearances are entered pursuant to Rule 71.1(e) of the Federal Rules of Civil Procedure and to the commissioners.

It is so ORDERED.



United States District Judge